

#### **IV. INDIVIDUALIZED EDUCATION PROGRAM**

It is the policy of the State of Iowa to require the development of individualized education programs (IEPs) for children requiring special education and related services. All public and private agencies that provide special education are governed by policies, rules, statutes and procedures for the establishment, review, and revision of IEPs for all children requiring special education and for the maintenance of IEP records.

The Iowa Department of Education is not currently providing direct services to any child. However, should it become necessary for the State Education Agency (SEA) to provide services, the services will be provided in accordance with IDEA requirements.

An IEP or individualized family service plan (IFSP) is a written statement for each individual with a disability that is the basis for a public education agency providing special education and related services in Iowa. No public special education or related services may be provided until an IEP or IFSP has been written and agreed upon by the IEP or IFSP team including the parent.

IFSPs are required for children with disabilities ages birth through 2. At the age of 3, students with disabilities have an IEP.

All IEPs and IFSPs must be implemented as soon as possible following the determination that a student requires special education. A meeting to develop an IEP must be held within 30 days of a determination of need and an IEP shall be in effect for every eligible individual at the beginning of the school year. In addition to holding all agencies responsible for conducting meetings, Iowa Rules of Special Education require that IEP meetings be held within a reasonable time, and that the IEP team review the IEP not less than annually. The IEP must be accessible to all who have responsibility for its implementation. Each local education agency (LEA) must have a policy to ensure that there is a procedure in place for each provider to have access to the IEP.

Public agencies ensure that the IEP team for each child with a disability includes:

1. the parents of the child;
2. not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment)
3. not less than one special education teacher of the child, or if appropriate, at least one special education provider of the child;
4. a representative of the public agency who is qualified to provide or supervise the provisions of specially designed instruction to meet the unique needs of children with disabilities, is knowledgeable about the general education curriculum, and is knowledgeable about the availability of resources of the public agency;
5. an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in 2 through 6 of this paragraph;
6. at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate – The determination of the knowledge or special expertise of any individual shall be made by the

party (parents or public agency) who invited the individual to be a member of the IEP team;  
and

7. if appropriate, the child.

A public agency may designate another public agency member of the IEP team to also serve as the agency representative (IEP team participant #4 above) if they satisfy the criteria specified for that role.

An IEP team member may be excused from attending an IEP meeting if the parents and public agency agree that the individual's attendance is not necessary because that member's curriculum area or related service is not being discussed. This agreement must be in writing.

An IEP team member is permitted to be excused from attending an IEP meeting that involves a modification discussion of the member's curriculum area or related service if the parent (in writing) and public agency agree to the excusal and the excused member submits written input prior to the meeting.

The public agency, at the request of the parent, must invite the Part C service coordinator or other representatives of the Part C program to the IEP meeting for a child transitioning from Part C to Part B services.

The public agency shall invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of the student's transition services. If the student does not attend the IEP meeting, the public agency shall take other steps to ensure that the student's preferences and interests are considered. The public agency also shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services. If an agency invited to send a representative to a meeting does not do so, the public agency shall take other steps to obtain participation of the other agency in the planning of any transition services.

Iowa Rules of Special Education require that notification regarding IEP meetings be provided to parents. That notification must contain the purpose (including transition), time and location of the meeting, and who will be in attendance. If parents cannot attend, the Iowa Rules of Special Education describe procedures for documenting attempts to involve the parent. If needed, interpreters shall be provided to increase parent participation. Parents will receive a copy of the IEP. In addition, the State of Iowa and area education agencies (AEAs) disseminate information to increase parent participation, offer training for parents, and provide support personnel to accompany parents to meetings.

Each public agency responsible for special education and related services assures that in the development of the IEP all relevant considerations are made to address the needs of the student with a disability. In developing each child's IEP, the IEP team shall consider the strengths of the child and the concerns of the parents for enhancing the education of their child, the results of the initial or most recent evaluation of the child, the academic, developmental, and functional needs of the child, and as appropriate, the results of the child's performance on any general State or

district-wide assessment programs. In conducting a meeting to review, and, if appropriate, revise a child's IEP, the IEP team shall consider all factors described below.

- In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;
- In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;
- Consider the racial and ethnic factors that may be contributing to the needs of the child – both prior to and during the determination and development of the IEP;
- In the case of a child who is blind or visually impaired, provide for instruction in Braille reading and writing and the use of Braille unless the IEP team determines, after a functional vision evaluation and an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child. No child will be denied Braille instruction solely because the child has some vision remaining. The instruction in Braille shall be sufficient to enable the child to communicate effectively and efficiently at a level commensurate with his sighted peers of comparable grade level and intellectual functioning.
- Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and
- Consider whether the child requires assistive technology devices and services.

The IEP team shall consider a child's IFSP when developing an appropriate program for a child transferring from the Part C program to the Part B program.

The IEP must contain a statement of the child's academic achievement and functional performance, a statement of measurable annual goals, including academic and functional goals, and a statement of the special education and related services and supplementary aids and services to be provided. These services will be based on peer-reviewed research to the extent practicable. For children with disabilities taking alternate assessments aligned to alternate achievement standards a description of short-term objectives must be included. The IEP must also include an explanation of the extent to which an individual will participate in the general education curriculum and district assessments. Finally, the projected date for the start, frequency, location, duration and monitoring of services must be included in all IEPs.

The IEP must include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of a child on State and district-wide assessments, and if the IEP team determines that the child shall take an alternate assessment, a statement of why the child cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the child.

The IEP must include a statement of how the child's progress toward annual goals will be measured and when periodic reports on progress will be provided (such as quarterly or other periodic reports concurrent with regular report cards).

Beginning not later than the IEP in effect when the child turns 16 and updated annually thereafter, the IEP must include a statement of appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills, and the transition services (including courses of study) needed to assist the child in reaching those goals. . The IEP must include a statement that the child has been informed of rights transferring at the age of majority at least one year before rights transfer. Special rules concerning IEPs for students with disabilities convicted as adults and incarcerated are included in the Iowa Rules of Special Education.

If a participating agency fails to provide agreed-upon transition services contained in the IEP of a student with a disability, the public agency responsible for the student's education shall, as soon as possible, initiate a meeting for the purpose of identifying alternative strategies to meet the transition objective and, if necessary, revising the student's IEP.

The State of Iowa provides each public agency with an IEP form that meets all the above requirements. If an agency chooses to use any other form or make changes to the state form, it must be approved by the state. The state also provides guidance to public agencies by providing technical assistance guides regarding IEP development and requirements.

Changes to the IEP, after the annual meeting, can occur without a meeting, if the parents and LEA agree and develop a written document to amend or modify the IEP. Amendments to IEPs can be made by the entire IEP team or by just the parent and LEA (as in (d)(e)(D)) and that the IEP can be amended, rather than completely redrafted, unless the parent requests a revised copy with the amendments incorporated.

LEAs should encourage the consolidation of reevaluation meetings and other IEP meetings.

Nothing is to be construed to require that IEPs include more than what is explicitly provided for in 20 U.S.C. 1414 as well as the provision in prior law that an IEP team need not include information under a component of an IEP that is already included elsewhere in the IEP.

For children transferring school districts within the same state, the new LEA provide FAPE, including services consistent with the previous district's IEP, in consultation with the parents, until the new LEA either adopts the prior IEP or develops a new IEP.

For children transferring from one State to another, the new LEA provide FAPE, including services consistent with the previous district's IEP, in consultation with the parents, until the new LEA conducts an evaluation, and if needed, develops a new IEP.

For a child who is transferring into a district, the new LEAs must take reasonable steps to promptly obtain the child's records and the 'old' district take reasonable steps to promptly respond to those requests.

The public agency, when it makes a placement in a private school, assures that a representative of the private school facility attends the IEP meeting. If the representative cannot attend, other methods will be used to ensure participation by the private school or facility, such as individual or conference telephone calls. IEPs for individuals in private schools must be revised and reviewed according to the Iowa rules. The Iowa Rules of Special Education specify that responsibility for compliance remains with the public agency.

The Iowa Rules of Special Education do not hold any agency, teacher, or other person accountable if an individual does not achieve growth. Parents retain rights to ask for revisions or invoke due process procedures. To monitor the implementation of individual education programs, the SEA and AEAs utilize monitoring and evaluation procedures. The monitoring and evaluation procedures include a comprehensive data review of the agency's policies, procedures, and documentation that assures compliance with all State and Federal statutes and regulations relating to the development and implementation of IEPs for children with disabilities served by the agency.

## **Legal References**

### **Federal Requirements**

20 USC 1412(a)(4).....Individualized education programs  
20 USC 1414.....IEP and educational placements  
20 USC 1414(a) .....Assessments and reassessments  
20 USC 1414(b) .....Assessment procedures  
20 USC 1414(c) .....Additional evaluation requirements  
20 USC 1414(d) .....Individualized education programs  
20 USC 1414(e) .....Educational placements  
20 USC 1436(d).....Individualized family service plan (IFSP)

### **Iowa Requirements**

Iowa Code 256B – Special Education  
Iowa Code – Chapter 72.4(5)

